

Customer No.: 31561
Application No.: 10/708,371
Docket No.: 11955-US-PA

REMARKS

Present Status of the Application

The Office Action rejected claims 1-15 under 35 U.S.C. 102(e) as being anticipated by Eo et al. Pub. No.: US 2004/0232989.

Discussion of Office Action Rejections

The Office Action rejected claims 1-15 under 35 U.S.C. 102(e), as being anticipated by U.S. 2004/0232989. Applicants respectfully traverse the rejections for at least the reasons set forth below.

In response to the rejection under 35 U.S.C. 102(e), Applicants respectfully submit an English translation of Taiwanese application No. 92128662 corresponding to this application for consideration of the foreign priority. In addition, a statement signed by translator under 37 C.F.R. § 1.55 showing that the submitted English translation is an accurate translation of the Taiwanese application is attached herewith. Applicants claim foreign priority benefits of Taiwanese application No. 92128662 filed on October 16, 2003, while the cited reference provided by Eo et al. (U.S. 2004/0232989) was subsequently filed on February 5, 2004. On the other hand, Applicants observed the cited reference U.S. 2004/0232989 enjoys an earlier priority date (May 19, 2003) on which its corresponding application was filed in Korea. However, in accordance with MPEP 706.02(f)(1), a foreign application's filing date that is claimed in any application which has been published as U.S. application publications or patented in the U.S., may not be

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used as 35 U.S.C. 102(e) dates for prior art purposes. Accordingly, the subject application should be entitled to have the earlier filing date.

Hence, it is clearly believed that the cited reference provided by Eo et al. (U.S. 2004/0232989) with a filing date on February 5, 2004 is not qualified as a prior art according to the Amendment of Patent Law by the American Inventor Protection Act of 1999 (AIPA), which renders the rejection under 35 U.S.C. 102 moot.

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-15 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Date : *February 14, 2006*

Respectfully submitted,

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